

**4702. Adulteration of tomato pulp. U. S. \* \* \* v. 600 Cases \* \* \* of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7129. I. S. Nos. 11135-1, 11151-1. S. No. C-416.)**

On December 20, 1915, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases of tomato pulp, remaining unsold in the original unbroken boxes at Houston, Tex., alleging that the article had been shipped, on or about November 2, 1914, by Roberts Bros., Baltimore, Md., and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The cans and most of the cases were labeled: "Big R Brand Tomato Pulp. Made from Pieces and Trim-mings of Tomatoes. Contents Weigh 10 Oz. Big R Brand Distributed by Roberts Bros. Main Office, Baltimore, Md." The remainder of the cases were labeled: "4 doz. cans, 10 ounces each, No. 1 Roberts Bros. Big R Brand (Trade-Mark) Tomato Pulp. Main Office, Baltimore, Md."

The allegation in the libel was to the effect that the article was adulterated by being decomposed and putrid in violation of the sixth paragraph of section 7, under food, the Food and Drugs Act.

On March 1, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*